

**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

RICHARD WEST and JOSEPH BRUYETTE,  
individually and on behalf of a class of  
similarly situated persons;

Plaintiffs,

v.

MICHAEL SMITH, in his official capacity  
only, as Vermont Secretary of Human  
Services; JANE DOE, Vermont Deputy  
Secretary of Human Services; JAMES  
BAKER, Vermont Department of Corrections  
Interim Commissioner; JOHN DOE, Vermont  
Department of Corrections Health Services  
Director, in their official capacities; and  
VITALCORE HEALTH STRATEGIES, LLC,

Defendants.

Case No. 2:19-cv-81

**FINAL APPROVAL ORDER**

On July 15, 2021, this Court granted the Joint Motion for Preliminary Approval. ECF No. 119 at 1. In so doing, the Court preliminarily approved the Settlement Agreement, ECF No. 114-3, entered into between Michael Smith and the State of Vermont Defendants, VitalCore Health Strategies, LLC, and Richard West and Joseph Bruyette, as class representatives for the certified class. The Preliminary Approval Order authorized the parties to conduct class notice, allowing a period up to September 10, 2021 for class members to comment on or object to the settlement. Having conducted a final Fairness hearing on October 25, 2021 and finding that the settlement is fair, reasonable and adequate, the Court hereby finally approves the class settlement pursuant to Fed. R. Civ. P. 23(e)(2).

For the reasons stated on the record at the October 25, 2021 final approval hearing in this matter, it is hereby ORDERED that:

1. The class settlement reflected in the Settlement Agreement, ECF No. 114-3, is approved as fair, reasonable and adequate under Fed. R. Civ. P. 23.
2. This matter will be administratively closed on the docket of the Court. For the purposes of enforcing the terms of the Settlement Agreement only, the Court shall retain jurisdiction for proceedings commenced by class counsel for disputes arising on or before January 1, 2023.
3. Any class member who files a pro se motion to enforce the Agreement shall be referred by the Court to Class Counsel for dispute resolution.
4. Class Counsel – James Diaz and Lia Ernst of ACLU of Vermont, James Valente of Costello, Valente & Gentry, P.C. and Kevin Costello and Suzanne Davies of the Center for Health Law & Policy Innovation of Harvard Law School – are hereby awarded \$3000 in litigation costs to be paid by the Defendants.

It is hereby ORDERED this 28th day of October, 2021.

/s/ William K. Sessions III  
Hon. William K. Sessions III  
U.S. District Court for the District of Vermont